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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/712.601 | 11/12/2003 | Tod E. Kuwahara | 51319/ DRK/S850 | 9003 |

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| EXAMINER |
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CHAU, MINH H

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| ART UNIT | PAPER NUMBER |
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2854

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,601

Applicant(s)

KUWAHARA, TOD E.

Examiner

Minh H Chau

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 17-29 is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claims 1, 3, 13, 14 and 15** are objected to because of the following informalities:
There is insufficient antecedent basis for the term "the system". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 13** is rejected under 35 U.S.C. 102(e) as being anticipated by Ogg et al. (PUB. No. US 2002/0073039 A1).

With respect to **claim 13**, Ogg et al. teach a method for providing computer-based postage stamps or assisting a user with the proper printing of postage indicia onto labels in rolls of labels in a label printer comprising providing interactive computer software that guides a user to confirm that a serial number on a label in a roll of labels to be printed with postage indicia matches a label serial number in the software (see paragraph [0043-50] of Ogg et al.)

Allowable Subject Matter

4. **Claims 1-9 and 17-29** are allowed.

5. **Claims 14-16** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for allowance:

Claims 1-9 and 25 have been indicated for allowance because the prior art fails to teach the entire combination of a method for assisting a user with the proper printing of postage indicia onto labels including providing a roll bearing pre-printed labels for printing with postage indicia, the roll having a plurality of label sets, each with a leader portion and a label body and each leader has a serial number which is the same as a serial number located on its corresponding label body.

Claims 17-24 and 26-29 have been indicated for allowance because the prior art fails to teach the entire combination of a roll of labels for further printing with postage indicia including a plurality of pre-printed label sets on the elongate carrier, each pre-printed label set comprising a label body and a leader and each label body and leader bears the same unique serial number.

Claim 14 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method for assisting a user with the proper printing of postage indicia onto labels including permits the user to correct the serial number in the software prior to printing a label with postage indicia.

Claim 14 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method for assisting a user with the proper printing of postage indicia onto labels including

Claim 15 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method for assisting a user with the proper printing of postage indicia onto labels including the software queries the user as to a range of serial numbers of labels to be printed with postage indicia.

Claim 16 has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of a method for assisting a user with the proper printing of postage indicia onto labels including the software has error control features which one of at least warns a user if a serial number entered into software is an invalid number, warns a user if the number of labels in a roll of labels to be printed is less than a number of labels a wishes to print with postage indicia, and will automatically send a message to a printer to withdrawn a label back into the printer if the user decides not to print labels with postage indicia.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Applicant's attention is invited to the patents to Goldberg et al. (US # 5,848,401), Leon (Pub. No. US 2001/0042052A1) and Brown, JR. et al. (Pub No. US 2002/0040353 A1).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHC
January 08, 2005


MINH CHAU
PRIMARY EXAMINER